

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY BONN

USMISSION GENEVA

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

USMISSION BERLIN

USMISSION NATO

AMEMBASSY MOSCOW

C O N F I D E N T I A L STATE 134728

E.O. 11652: GDS

TAGS: PFOR, US, UK, FR, GW, WB, UR, NATO

SUBJECT: CSCE AND GERMAN QUESTIONS: BONN GROUP STUDY

REFERENCE: (A) BONN 9467; (B) BONN 9471

GENEVA FOR US DELEGATION, CSCE

1. FOLLOWING ARE DETAILED COMMENTS ON BONN GROUP STUDY
WHICH MAY BE OF ASSISTANCE IN CONNECTION WITH FURTHER DIS-
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CUSSION OF GERMAN RELATED MATTERS IN CSCE.

2. CURRENT NON-USE OF FORCE LANGUAGE DOES NOT SEEM INCONSISTENT WITH GERMAN REUNIFICATION OPTION. FURTHER, PROVISIONALLY REGISTERED "INVIOABILITY" OF FRONTIERS LANGUAGE DOES NOT IMPLY "IMMUTABILITY" AND SEEMS LESS IN NEED OF EXPLICIT MENTION OF "PEACEFUL CHANGE" IN TEXT ITSELF THAN FRG'S OWN 1970 TREATY LANGUAGE WITH USSR. GERMAN ARGUMENTS FOR REDRAFTING "PEACEFUL CHANGE" LANGUAGE SEEM EQUALLY MURKY. REFERENCE TO "INTERNATIONAL LAW" IN THAT LANGUAGE CANNOT REASONABLY BE READ TO CREATE IMPRESSION THAT PEACEFUL CHANGE IS BARRED BY INTERNATIONAL LAW WITH REGARD TO FRG-GDR BORDER.

3. BONN GROUP LANGUAGE ON QUADRIPARTITE RIGHTS AND RESPONSIBILITIES IS IMPROVEMENT OVER FRENCH PRINCIPLE 10 TEXT ON TABLE AT GENEVA, AND OVER SIMILAR SOVIET DISCLAIMER TEXT TABLED AS A DECLARATION FINAL CLAUSE, SINCE NEITHER OF THESE TEXTS COVERED ORIGINAL NON-CONTRACTUAL FOUR POWER RIGHTS. WE HAVE CONSISTENTLY REJECTED SOVIET "CONTRACTUAL" THEORY OF OUR RIGHTS IN BERLIN, AND ARE GRATEFUL THAT FRENCH IN BONN GROUP, UNLIKE FRENCH CSCE DELOFF, WERE WILLING TO TAKE THAT POINT SERIOUSLY. WE UNDERSTAND, HOWEVER, THAT MANY FRIENDLY CSCE DELS WERE UNHAPPY WITH BOTH FRENCH AND SOVIET DISCLAIMERS, VIEWING THEM AS UNNECESSARY AND AS PROVIDING TOO CONVENIENT AN ESCAPE CLAUSE FOR SOVIETS, WHOSE BREZHNEV DOCTRINE IS NOW EMBODIED IN SERIES OF TREATIES WITH ITS ALLIES. WE BELIEVE THAT DISCLAIMER DRAFTED SOLELY IN TERMS OF "RIGHTS" WOULD COVER THOSE DERIVING FROM BOTH CONTRACTUAL AND OTHER SOURCES, BUT WOULD POLITICALLY BE LESS OF A DIRECT REFERENCE TO THE USSR-CZECH TREATY. SUCH A DISCLAIMER MIGHT ALSO BE MORE ACCEPTABLE TO OUR FRIENDS.

4. WITHOUT NON-CONTRACTUAL RIGHTS BEING COVERED, DISCLAIMER WOULD NOT SERVE OUR PURPOSES AND WE WOULD OPPOSE INCLUSION OF ONE IN DECLARATION ITSELF. IF ADEQUATE DISCLAIMER PROVES UNPRODUCTIVE NEGOTIATING GOAL, WE CAN ACCEPT AS ADEQUATE TRIPARTITE PUBLIC DISCLAIMER AS BRITISH HAVE PROPOSED. WE WOULD DEFER TO OUR CSCE DELEGATION AS TO THE OPTIONS AVAILABLE FOR GETTING SUCH A DISCLAIMER

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